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Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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The meeting was called to order at 10.15 a.m.

Agenda item 114: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/55/177, 213 and Add.1, A/55/214 and Add.1 and 2, A/55/275 and Add.1, A/55/279, 280 and Add.1 and 283, 288, 289, 291, 292, 296 and Add.1, A/55/302, 306, 328, 342, 360, A/55/395-S/2000/880, A/55/404-S/2000/889 and A/55/408; A/C.3/55/2)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/55/269, 282 and Corr.1, 294, 318, 335, 346, 358, 359, 363, 374, 400, 403, 509 and A/55/426-S/2000/913)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/55/36 and A/55/438-S/2000/93)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/55/36)

Situation of human rights in the Islamic Republic of Iran (A/55/363)

1. **Mr. Copithorne** (Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran) said he had tried in his report (A/55/363) to highlight the progress, or the lack thereof, in what appeared to him to be the key sectors relating to human rights in the Islamic Republic of Iran, while hoping to avoid oversimplification. Since the report had been completed, there had been some significant developments that could possibly serve as indicators of underlying trends. The newly elected sixth majlis continued to take bold, reform-oriented legislative initiatives: for example, the bill raising the minimum age of marriage had been approved; bills were now under consideration which would guarantee a suspect's access to a lawyer at all stages of a criminal investigation and which would lift the prohibition on travel abroad for educational purposes by unmarried and unaccompanied girls; and other bills were being considered that would improve the situation of women.

2. With regard to the judicial process, although the judiciary had not yet been overhauled, decisions had been taken to establish separate juvenile courts and to prohibit the sentencing of persons under the age of 18 to the death penalty. In the case of the serial murders of intellectuals and political dissidents, he had been officially informed that criminal proceedings were under way against 18 suspects in the Tehran military court, in what would be an important test of the judiciary's willingness to move towards the rule of law. Meanwhile, the trial of 17 reformers who had attended a conference in Berlin in April 2000 was reportedly being conducted by the Tehran Revolutionary Court behind closed doors. One of the defendants, Hassan Yusefi Eshkevari, faced a separate prosecution, also behind closed doors, in the Clerics Court. Recent press reports claimed that he had already been found guilty of apostasy on some of the charges. It was to be hoped that President Khatami's recently expressed view that critics should not be accused of apostasy or blasphemy would prevail.

3. In the previous week, there had been reports that the judiciary was continuing to harass and close down parts of the reformist press. In short, while there continued to be progress in the human rights situation in the Islamic Republic of Iran, it was a slow process that still faced formidable obstacles.

4. **Mr. Alaie** (Islamic Republic of Iran) said that the monitoring of the human rights situation in the Islamic Republic of Iran was politically motivated and, while he did not question the Special Rapporteur's objectivity, he challenged the perspective adopted in his reports. The assessment of any human rights situation must, as a matter of principle, take into account the overall political context. Undesirable actions did not per se mean that the situation as a whole was not improving. The political context in the Islamic Republic of Iran was one of genuine reform aimed at institutionalizing and strengthening civil society, guaranteeing human rights and the rule of law, and building democratic institutions. Moreover, the achievements of the reforms were clear for all to see, in the numerous elections for representatives at all levels and in the creation of institutions such as the Islamic Human Rights Commission.

5. Society in his country was in a period of dynamic change and, as the Special Rapporteur had mentioned in his statement, progress was being made. Of course, there had been setbacks and there were obstacles to overcome, but that was true of all reform movements. Such problems should not be decisive in judging the overall situation. Whether or not the process was slow was not the issue; progress was being made and there was no justification for adopting resolutions on or monitoring the human rights situation in the Islamic Republic of Iran.

6. In the report itself, he singled out for criticism the misinformation on the Azeris. He did not see how they could be treated as a minority with problems when they occupied many key positions at all levels of government.

7. **Mr. Paran** (Israel) said that the Special Representative had rightly drawn attention to the plight of the Iranian Jews who had been held in detention for over a year without charge, in violation of international norms and Iranian laws. The Iranian authorities had failed to specify the charges against them and they had been denied access to lawyers for over a year until they had been assigned court-appointed lawyers. Such a grave miscarriage of justice had aroused worldwide indignation at the continued incarceration of innocent people, and he called for their unconditional release. He would have expected the country that had initiated the resolution on a "dialogue among civilizations", which his delegation had supported in the General Assembly, to behave differently towards the Jewish minority on its territory and, in general, to have a different attitude to the peace process in the Middle East.

8. **Ms. Hajjaji** (Libyan Arab Jamahiriya) said that, whenever the subject of human rights in Islamic countries came up, the focus was on women's rights. That piece of fabric, the chador, was reportedly bad for women's health, according to the Special Representative's report, and even, according to some, responsible for hair loss. And yet wearing the chador was compulsory only in three Islamic countries; elsewhere, including the Libyan Arab Jamahiriya, women were free to choose whether or not they wished to wear it. Sometimes young girls wore it even though their mothers did not. Women all over the world must be free to wear traditional clothing if they wished.

9. With regard to freedom of expression, the Universal Declaration of Human Rights and other international human rights instruments recognized that rights and freedoms must be subject to such limitations as the requirements of public order. There was a clear need for limitations on freedom of expression as it could so easily be abused to incite racial hatred, xenophobia and so on.

10. On the question of the minimum age for marriage, girls and boys admittedly married young in Islamic cultures but moves were under way to raise the minimum age so that they could not marry as young as 10 or 11.

11. With regard to the death penalty, it was provided for in the Koran and was applied in Islamic countries. Moreover, the Islamic Republic of Iran lay on a traditional drug-trafficking route and needed the death penalty to deter and punish drug-traffickers.

12. The Special Representative saw the Guardian Council as an obstacle to the further development of democracy in the Islamic Republic of Iran, but stopped short of calling for its disbandment. Like all other special rapporteurs and special representatives, he should work within the terms of his mandate; it was not their role to interfere in countries' internal political arrangements. The Islamic Republic of Iran was still in a period of transition after the Islamic revolution over 20 years earlier and it was for the Iranian people themselves to decide on their political, economic and social arrangements.

13. She did not agree with the Special Rapporteur that the judicial system in the Islamic Republic of Iran was unfair and she did not see why he should draw a link between religious minorities and the death penalty or other forms of punishment. Why had he singled out the case of the Iranian Jews, when other citizens had also been accused? If they were guilty, they must be punished, despite the threats of retaliation by certain foreign countries. Iranian Jews had their own schools, press and social and cultural associations, and enjoyed exactly the same rights as other Iranians.

14. She suggested that the Special Representative should ask himself why he had not been invited to visit the Islamic Republic of Iran since 1996, even though the Commission on Human Rights had recognized the progress made in the observance of human rights in that country.

15. **Mr. La** Yifan (China) said that the Islamic Republic of Iran had certainly made progress in the field of human rights, although perhaps not as much as some other countries. In fact, no country in the world could claim that it did not need to take further action to rectify its own shortcomings in the field of human rights. As pointed out by its representative, the Islamic Republic of Iran was in the middle of a long process of change aimed at promoting human rights and establishing the rule of law. The international community should be encouraging the changes for the better in Iranian society rather than making it the subject of resolutions and special human rights mechanisms.

16. **Mr. Copithorne** (Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran), responding to the comments made, agreed with the representative of the Islamic Republic of Iran that the political context was extremely important and that it was the overall trend in the human rights situation that mattered. In the previous three years, progress had been made in strengthening Iranian civil society and the rule of law and those changes were, in his view, irreversible.

17. In response to the comments by the representative of the Libyan Arab Jamahiriya, he said that, as far as the effects of wearing the chador were concerned, he had merely been quoting comments made to him by Iranian women. With regard to the trial of Iranian Jews, paragraph 39 of his report made it clear that both Jews and Muslims had been involved in the trial referred to. On the question of the Iranian Government's cooperation with him, he said that in many ways it was cooperating, and had provided him with a good deal of information. The question of why it had not extended its full cooperation to him by inviting him to visit the country was one that should be put to the Iranian Government.

Situation of human rights in Rwanda (A/55/269)

18. **Mr. Moussalli** (Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda), introducing his report (A/55/269), said that he was extremely impressed by the general situation in that country six years after the genocide which had cost the lives of almost one million people. As indicated in his report, almost three million Rwandan refugees had returned (para. 38). They had largely been reintegrated into Rwandan society, an exceptional achievement by any standards.

19. As described in his report (paras. 25-35), the general security situation had improved considerably since 1998, although isolated murders and disappearances continued to occur. The civilians and military authorities had issued strict orders to punish members of the police force or army who contravened orders or perpetrated violations. The tendency of the so-called Local Defence Forces (LDF) to abuse their power in certain instances remained a cause for concern. On the whole, however, and compared to the situation prevailing in some neighbouring countries in the Great Lakes region, Rwanda could be considered an island of stability and relative security.

20. As for the crisis in Rwandan prisons (ibid., paras. 97-102), the total number of prisoners remained exceptionally high, particularly as there were no dossiers explaining the background to the arrests of most persons imprisoned since 1996. Prison conditions were deplorable, with some inmates going without food for days. In certain instances, overcrowding was so bad that prisoners had to take turns to sit down or sleep.

21. The slowness of the justice system in processing cases and completing trials was such that it would take an estimated 200 years to examine all outstanding genocide-related cases. In that context, the Government's proposal to apply *gacaca*, the country's traditional justice system (ibid., paras. 156-176 deserved high praise, provided that the system respected basic safeguards. The relevant domestic laws had been enacted and the system would probably be instituted in early 2001. Representatives of civil society in Rwanda, particularly the National Human Rights Commission (NHRC) and the National Unity and Reconciliation Commission (NURC), would closely monitor the implementation of the system, which would be overseen by the Supreme Court. The international community should provide resources for the logistical and training support required to assure the effectiveness of the system.

22. With regard to the detention of children (paras. 125-130), the Government had decided to release all those who had been minors at the time of their arrest and to accord priority under the traditional justice system to cases where the children had been aged between 14 and 18 at the time of their arrest. If found guilty, the sentences of that group would be halved.

23. As indicated in paragraph 208 of the report, the situation of street children remained a matter for grave concern. Such children were either orphans or came from destitute families. If apprehended for petty theft or other crimes, the children were held in detention centres often in inhuman conditions. The Special Representative had appealed to the United Nations Children's Fund (UNICEF) in Rwanda and to the authorities and civil organizations to develop programmes to support and rehabilitate street children.

24. The situation of women who had survived the genocide was particularly tragic. Most had been raped yet did not dare speak up or accuse their attackers. There had been very few rape trials and no compensation paid to victims. Women needed adequate support and advice on how to deal with their trauma and receive compensation. The Special Representative was pleased to note that organizations such as Human Rights Watch had offered expertise in that domain and hoped that the Government would accept the offer.

25. As indicated in his report (paras. 36-44) Rwanda continued to face serious problems with the reintegration of displaced persons and returning refugees because of a shortage of resources. The Office of the United Nations High Commissioner for Refugees (UNHCR) had allegedly received no funds for reintegration work, while the international community appeared to believe that agencies in Rwanda should focus more on development than assistance to returnees. The UNHCR Acting Representative in Rwanda was very concerned about the situation, which created tension between old and new returnees. International assistance should be provided to help UNHCR assist returnees.

26. On a positive note, the first National Summit on Unity and Reconciliation, held in Kigali in October 2000, had enabled Rwandans from all walks of life and from the diaspora to engage in a free and open dialogue on how to build a society based on unity, reconciliation and development. The conclusions of the Summit had underlined the role of justice and human rights in the reconciliation process and the need to eradicate poverty. The Government had been urged to devise programmes to empower women, youth and other vulnerable groups to participate in national development and in the process of reconciliation.

27. A programme of assistance and cooperation between the Office of the United Nations High Commissioner for Human Rights and the National Human Rights Commission had recently been concluded after many intensive discussions. It marked a new chapter of cooperation between Rwanda and the Office. Although the institutional base and focus of the project would be the National Human Rights Commission, it was intended that capacity-building activities would strengthen the links between the Commission and other Rwandan institutions and sectors of civil society involved in human rights issues.

28. As indicated in his report (para. 246), the National Human Rights Commission and the National Unity and Reconciliation Commission benefited greatly from the support they received from the group of "Friends of the Commissions", a body comprising representatives of donor countries and of the United Nations Development Programme (UNDP) which met regularly to exchange views, provide support and act as a "sounding board". The Special Representative had recommended that the newly established Constitutional Commission should join the group in order to benefit from its advice and support.

29. While considerable progress had been achieved in Rwanda thanks to the efforts of the Government and the people, ultimately their work could be undone by the crisis and conflicts affecting the Great Lakes region. Peace, security and the eradication of poverty in that region were fundamental. All those who sought to promote human rights, justice, democracy and development in that part of the world had a duty to take measures to ensure full compliance with the 1999 Lusaka Ceasefire Agreement by all the signatories thereto.

30. **Mr. Mutaboba** (Rwanda) thanked the Special Representative for assisting his Government in its efforts to further human rights in Rwanda and for mobilizing international support for Rwanda's recovery following the genocide, which had seen the death of one million people. Invaluable support had also been provided by the Office of the United Nations High Commissioner for Human Rights and various Governments and international organizations.

31. Since 1994, human rights had been high on the political agenda of the new Government of national unity. The days of impunity in Rwanda were over. The High Commissioner had noted the rapid progress made, as had other international visitors.

32. Further improvement depended on the resolution of the situation in the Great Lakes region as a whole. The recently renewed Lusaka Agreement represented the only viable framework for peace and stability in the Democratic Republic of the Congo. Little was said of the violations of the Agreement by President Kabila and his allies, but few would remain silent when Rwanda and its allies retaliated. If the peace framework was not respected, if evil forces continued to spread their genocidal ideology and hatred, and if priorities were not addressed, there would be no hope of sustained peace and respect for human rights in Rwanda or the rest of the region.

33. Postponement of the peace process continued to result in a litany of human rights violations, generating further displacements of people. The Security Council must not abdicate its responsibilities and then blame others for taking on those responsibilities. The United Nations should urge all parties who were using or protecting genocidal forces to "swallow their pride" and work for peace. If necessary, they must be forced to do so; the Government of Rwanda would be ready to support the Organization in that endeavour.

34. The Rwandan Red Cross was seeking to provide shelter facilities for street children. Initial support was being provided by the European Union and the German Red Cross, with a 10-per-cent contribution from the Government of Rwanda.

35. The Government was aware of the unpleasant conditions in some of the country's prisons, which were indicative of a lack of resources rather than of any deliberate violation of human rights.

36. Returnees from the Democratic Republic of the Congo would be able to testify to their positive experience of reintegration into Rwandan society for the benefit of any members of the Committee who might still be sceptical about the situation on the ground.

37. All perpetrators of genocide must be pursued by all Member States, notwithstanding the 1,000-kilometre limit set by certain Governments which paradoxically claimed to defend human rights.

38. *Gacaca*, the traditional participatory justice, had received endorsement from many quarters. His Government would continue to perfect the system in the hope that it would alleviate the prison overcrowding and accelerate reconciliation.

39. As for *gacaca imidugudu* or "villagization" (A/55/269, paras. 212-224), it was no different from the construction of North American or European-style housing estates. Those who had seen the policy in operation in 1999 had understood its merits. He thus urged as many delegations as possible to visit Rwanda and other countries in the region to witness realities on the ground.

40. It was to be hoped that the international community would heed the call of the Special Representative to support efforts to improve the situation not only in Rwanda, but in the Great Lakes region as a whole.

41. **Mr. Kapanga** (Democratic Republic of the Congo) said that his delegation had been unpleasantly surprised by the manner in which the Special Representative had dealt with the subject of Rwanda's armed aggression against the Democratic Republic of the Congo.

42. The Special Representative had referred, in paragraph 18 of his report (A/55/269), to a Rwandan incursion into Congolese territory and implied that it had been a success. Was he not aware that such acts of aggression constituted a flagrant violation of the Charter of the United Nations?

43. As mentioned in paragraph 24 of the report, the Universal Declaration of Human Rights established a straightforward connection between security and human rights by providing that everyone had the right to life, liberty and security of person. His delegation wondered if the Democratic Republic of the Congo was also covered by that prescription. In any case, concern for security could not be used to justify Rwanda's derogation from its obligations under international instruments or its violation of the territorial integrity of the Democratic Republic of the Congo. Rwanda had been responsible for pillaging Congolese natural resources, massacring Congolese people, disembowelling pregnant Congolese women and burying women alive. Surely the Congolese people also had the right to life?

44. The Special Representative should compare notes and cooperate closely with the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, since their respective interpretations of the situation in the Great Lakes region were diametrically opposed. Such perceptions tended to impede an early resolution of the conflict in

the region, for no picture of the human rights situation in Rwanda could be objective if it failed to mention the grave violations perpetrated by Rwanda against the Democratic Republic of the Congo.

45. Since 1996, Rwanda had conveyed the message that there were no Rwandan refugees left anywhere in the world. Yet, in paragraph 39 of the report, the Special Representative had cited the return of some 45,000 Rwandan refugees from the Democratic Republic of the Congo between January and May 2000. They were Rwandan civilians who had played no part in the fighting and who had been given special protection by his Government, in keeping with its international commitments. In return, Rwanda had made no gesture on behalf of Congolese refugees deported to Rwanda at the beginning of the war. His delegation wanted to know how the Special Representative defined human rights, since his report contained not a single recommendation urging the Rwandan Government to expedite the return of Congolese deportees.

46. If human rights were guaranteed to all, including those suspected of committing crimes, how, his delegation wondered, could the Special Representative describe an invasion as a success, commenting favourably, in paragraph 18 of his report, on the deaths of Hutu civilians? Was it normal for a human rights advocate to welcome a man's death, even if he was a criminal?

47. His delegation wanted to hear the Special Representative's views on those subjects. It also thanked the Special Representative for facilitating the work of the joint mission to investigate alleged human rights violations and breaches of international humanitarian law in the former Zaire between 1996 and 1997.

48. **Mr. Mutaboba** (Rwanda), in response to the statement made by the representative of the Democratic Republic of the Congo, said that it was a misrepresentation to say that the Government of Rwanda had denied that there were any Rwandan refugees outside Rwanda; in fact, it had always recognized the presence of Rwandan refugees in the Democratic Republic of the Congo, even in cases where the Government of the latter had denied their presence. With regard to military operations against refugee camps in 1996, he stressed that those camps had become training centres for the same genocidal forces which had ravaged his country, and said that his Government, first and foremost, regretted any loss of life incurred as a result of its very necessary intervention in those camps, since those affected were, after all, its own people.

49. He added that it was not true that Congolese citizens had been deported to Rwanda, which certainly would have been reported by non-governmental organizations and human rights groups. There were indeed refugees from the Democratic Republic of the Congo who were being cared for in Rwanda, but his Government had never forcibly deported Congolese citizens; he wondered whether the representative of the Democratic Republic of the Congo was confusing those alleged deportees with returning Rwandan combatants.

50. **Ms. Hajjaji** (Libyan Arab Jamahiriya) stressed that the peoples of Africa shared a common heritage and said that the current ethnic conflicts, to which Africans were trying to find African solutions, were the results of the artificial divisions imposed on the tribes of Africa during the colonial era. She noted that her Government had invited African leaders to discussions on ways to promote peace and stability in the Great Lakes region. The international community had reacted too late to the genocide in Rwanda and was perhaps trying to compensate for that failure with its recent interest in that country. The countries of the region themselves must work to promote stability, and Rwanda in particular needed the assistance of the international community in overcoming poverty, the refugee problem and the effects of genocide. In that context, she recognized the efforts of non-governmental organizations and the Office of the United Nations High Commissioner for Refugees towards that end.

51. With regard to the need for an effective justice system, she stressed that all African countries had traditional forms of justice which did not necessarily correspond to European or foreign justice systems, and which might well be unknown to foreign observers. Those justice systems were based on traditional methods of reconciliation and she stressed the need to make use of such traditional methods rather than seek to impose European or other forms of justice.

52. **Mr. Moussalli** (Special Representative of the Commission on Human Rights on the situation of human rights in Rwanda) thanked the representatives of Rwanda and the Libyan Arab Jamahiriya for their

comments and agreed with the latter that Africa had its own traditions and that it was wrong to impose foreign institutions on its peoples. With regard to the statement made by the representative of the Democratic Republic of the Congo, he stressed that the purpose of his report was to make recommendations for the protection and promotion of human rights and not seek to make any political statement. He had done his best to defend the interests of the people of Rwanda and the region, and he reiterated his profound concern at the situation in the Great Lakes region, including the eastern Democratic Republic of the Congo, which had been pillaged and where the civilian population were virtual hostages.

53. He agreed that the international community had been too slow to act when faced with the genocide in Rwanda and the civilian population had paid the price for that inaction. It was therefore all the more urgent that the 1999 Lusaka Ceasefire Agreement should be fully implemented as the only means of guaranteeing human rights in Rwanda and the region. Although much progress had been made since 1997, there was no alternative for the Government but to continue to encourage a climate of reconciliation, despite internal opposition, and the international community must support it in those efforts.

General discussion on sub-items 114 (b), (c), (d) and (e)

54. **Ms. King** (United States) speaking under item 114 (c) stressed the universality of human rights and said her Government took the obligation to promote and protect human rights and to measure progress made in that area very seriously. Governments which had embraced human rights had improved their people's daily lives. The first great triumph of the United Nations, the collapse of colonialism, had offered new hope to many millions while at the same time new human rights instruments were being developed. Non-governmental organizations had nurtured the human rights process and been nurtured by it to the point where they had become among the most dynamic participants in the promotion of human rights.

55. In Europe, with the fall of the Warsaw Pact, the peoples of the Baltic region and of Central and Eastern Europe had gained freedom and the chance to choose their own Governments. The greatest victory for human rights had been the recent overthrow of Slobodan Milošević, which would benefit the entire region, and she welcomed the Koštunica Government's intention to consolidate democracy. Although millions of lives had been shattered by ethnic hatred in the former Yugoslavia, a new era had begun in which human rights were recognized and the people of the region, with international support, could begin to build new lives and institutions.

56. In that context, she welcomed the significant progress made by the new Government in Croatia in meeting international human rights standards and also the political maturity demonstrated by the former Yugoslav Republic of Macedonia in avoiding the conflict that had wrought such damage on its neighbours. Although there had been some violence during the recent elections in the latter country, she welcomed the Government's pledge to address the concerns raised by the Organization for Security and Cooperation in Europe (OSCE). With regard to Kosovo, she regretted that the Serb minority had not participated in the recent elections, but noted that they had chosen not to participate and that the elections had been generally free and fair.

57. Only one European country, Belarus, continued to suppress dissent, the press and civil society. The recent parliamentary elections had been neither free, fair nor transparent, and many citizens had not voted, forcing the authorities to falsify the results. The regime's efforts to stop progress would, however, inevitably fail.

58. Although the Russian Federation was currently a democratic country, she expressed concern at the continued conflict in Chechnya and reports of daily violations of human rights there. The international community must offer its assistance to the parties with a view to achieving a political settlement, which alone could promote reconciliation and restore regional stability. Her Government and the international community had consistently called on Russia to uphold its international commitments and there had been progress such as allowing access by representatives of the International Committee of the Red Cross (ICRC) and the appointment of the President's special representative for human rights in Chechnya. Nevertheless, human rights violations continued and those responsible went unpunished, which only served to foster a culture of impunity and encourage further abuses. Both sides must therefore work towards a political solution that would end the gross human rights abuses and bring peace to that troubled region.

59. She expressed concern about the lack of freedom and of political pluralism in central Asia: elections in Uzbekistan in 1999 had been neither free nor fair, parliamentary elections in Kazakhstan in 1999 had fallen well short of international standards and, in Kyrgyzstan, the recent presidential election had been marred by serious flaws, while the harsh treatment of opposition politicians, the independent media and domestic non-governmental organizations had seriously damaged the country's reputation. Turkmenistan had made little effort to abide by its human rights commitments and, with regard to Azerbaijan, she said that the coming elections would be a test of its commitment to democracy.

60. Under the Taliban, Afghanistan had become the world's largest supplier of heroin and the home base of Osama bin Laden. The Special Rapporteur on the situation of human rights in Afghanistan had called for the investigation of reports of torture and summary execution of prisoners and the repeal of laws inconsistent with Afghanistan's international obligations, in particular with regard to the situation of women, which was deplorable. Denying women their basic rights would only make it harder to address the country's poverty and lack of development. In Iraq, the people continued to suffer starvation, brutality and murder at the hands of their leaders, and she urged all nations to support the United States in calling for a special war crimes tribunal to judge Saddam Hussein. In Burma the repressive military regime also continued to deny its people's right to democratic government and other basic rights and to tolerate exploitation of children as soldiers, labourers and sex workers, thereby showing an appalling lack of human decency.

61. Her delegation regretted China's continued suppression of political dissent, a clear violation of the rights of association, expression and assembly, as well as its repression of religious belief. She also called upon China to treat its workers with respect and dignity and provide them with a higher quality of life befitting their contribution to China's economic development, and further called for the closing of forced labour camps. On the Korean peninsula, although the recent summit meeting between the two leaders had inspired hope for peace, the United States and its allies remained mindful of the dreadful violations of human rights that continued in the Democratic People's Republic of Korea, a concern which the United States Secretary of State had expressed during her recent visit to Pyongyang. In Indonesia, the new Government was struggling to establish control over the military, deal with large numbers of refugees and displaced persons and thwart separatist movements. Under such conditions, serious human rights violations too often went unnoticed, unchallenged and unpunished.

62. She expressed satisfaction that the people of Côte d'Ivoire had defended democracy and forced the departure of General Gueï, and joined the international community in hoping that the interim political arrangements and the parliamentary elections in December 2000 would lead to a broad-based and democratic government. In Sierra Leone, a measure of stability had returned, and she called for an impartial tribunal to judge the barbaric acts perpetrated by members of the Revolutionary United Front (RUF) upon non-combatants of every age. With regard to Sudan, she noted the Government's brutality towards its own people, suppression of dissent and blatant repression of religious freedom.

63. In the Western hemisphere, she decried the poor human rights situation in Cuba, where freedom of speech, association, assembly and movement were extremely limited and citizens had little hope for privacy, fair trial, collective bargaining or the right to change their Government. Although there had been some opening up to churches and dissidents around the time of the Pope's visit in 1998, recent reports suggested that the Government had begun to reverse that process. Since January 1999, the United States had sent the Cuban people more than $1 billion in donations, licensed sales and remittances, and she recalled that, contrary to popular perception, medical sales had always been permitted and pointed out that agricultural sales had recently been authorized. In Colombia, on the other hand, the Government had made a clear commitment to improve the human rights situation, which was often affected by paramilitary and guerrilla units operating in areas where the Government presence was weak. By working with the Government, strengthening the administration of justice and human rights mechanisms and training military and police contra-narcotic units, in accordance with the strict human rights provisions of relevant United States legislation, her Government hoped to help Colombia resolve its many problems, although that would take time and much effort.

64. In closing, she referred members to the United States State Department web site for full details on the

human rights situation in the world, including the United States, as well as the United States' report to the Committee on the Elimination of Racial Discrimination, submitted in October 2000. She stressed the importance that her Government placed on frank discussion of the human rights situation in countries, even if such frank discussion made some countries uncomfortable. The solution was not to suppress discussion but to improve the human rights situation within those countries.

65. **Mr. Shobokshi** (Saudi Arabia), speaking under item 114 (b), recalled the importance of dealing with human rights and the lofty values and principles underpinning them in ways aimed at ensuring their protection and promotion while taking account of the specificities and historical traditions of different cultures.

66. According to Islam, human rights emanated from the Divine Creator, Who had imbued them with a sacred, binding and universal character. The rights and fundamental freedoms guaranteed under Islam were not based on moral teachings, but took the form of legal imperatives and religious duties.

67. Saudi Arabia applied Islam in letter and spirit, both as a creed and a way of life. Its system of government was based on the Islamic principles of justice, consultative decision-making and equality as well as the application of Shariah law. The State bore responsibility for protecting the human rights enshrined in its Constitution as represented by the Holy Quran and the tradition of the Prophet. It spared no effort to ensure respect for human rights and had established two distinct human rights committees for that purpose at the governmental and non-governmental levels.

68. The protection and promotion of human rights was a fundamental part of the principles and values which Saudi Arabia held dear and which it viewed as an obligation of all States and international organizations. States needed to establish constructive cooperation between them, based on respect for the cultural diversity and beliefs of others as the key to their success. Such cooperation would help to enrich human rights concepts and ensure their universal acceptance.

69. It was a mistake to impose values on others as if they were universal rather than something to which people aspired. When foisted upon others as the result of bilateral or international pressure, such values bore the seeds of their own destruction. Societies embraced noble concepts so long as they benefited therefrom and the concepts did not contradict their inherent beliefs and customs.

70. Saudi Arabia was committed to intensifying its cooperation with the United Nations human rights bodies. It had acceded to a number of international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women, and was currently giving serious consideration to its accession to a number of others.

71. Saudi Arabia was keen to become a member of the Commission on Human Rights for the period 2001 to 2003 in order to participate with the other members in deepening global human rights concepts and enriching the human experience in that domain. The Government commended the work of the Office of the United Nations High Commissioner for Human Rights and contributed to United Nations voluntary funds for human rights.

72. In accordance with its obligations under the international instruments to which it had acceded, the Saudi State disseminated information on human rights concepts through academic curricula, social-care programmes and the media. Laws had also been enacted to safeguard the rights of citizens and residents on an equal footing, following the principle of the universality and indivisibility of both rights and duties.

73. As an Islamic country with a large foreign population, Saudi Arabia attached particular importance to religious tolerance as a precondition for the enjoyment of human rights. Foreign workers in its territory were afforded their full rights on the same basis as their Saudi counterparts, including exemption from taxation, the unrestricted right to send remittances to their countries of origin, and the right to privacy and to worship in their own homes. No one in Saudi Arabia could be arrested or imprisoned without charge, nor could the sanctity of their home be violated, except in very specific circumstances.

74. Saudi Arabia was convinced that humanity would thrive in the new millennium with cooperation and respect between nations. It hoped that the goals of peace, cooperation, equality and fraternity would be realized through partnership and respect for the diversity of nations.

75. Concern for human rights was not the exclusive preserve of any particular country; it was a collective responsibility. In that regard, the international community should do more to address violations wherever they occurred, including in the occupied Arab territories, where the most basic rights of Arab peoples were subject to flagrant violations.

76. More needed to be done also to counter cases of racial discrimination, ethnic cleansing and attacks upon creeds and beliefs, so that an atmosphere of mutual tolerance could be created that would allow the consolidation of human rights principles.

77. It was important that the standards applied to human rights cases should be objective and realistic, taking account of cultural diversity without misrepresenting the concepts behind particular cultural views and faiths. Objectivity would also ensure that human rights were not used as a pretext for interference in the internal affairs of States.

78. **Mr. Jayanama** (Thailand), speaking under sub-items 114 (b) and (e), stressed the universality, indivisibility and interdependence of all human rights and the importance of giving equal attention to civil, political, economic, social and cultural rights. The right to development was also essential for bridging economic disparities and promoting the welfare of peoples, since nations could not prosper and remain stable if their standard of living remained low. In order for development to be sustainable, however, individuals must also be guaranteed basic rights such as the right to food, education, shelter, health care and free choice, within the framework of a system where democracy and human rights complemented each other.

79. Although diversities among peoples and nations must be respected, that principle should not serve as a pretext for denying human rights. All cultures shared common core values reflected in international human rights instruments, such as dignity and the right to life, freedom from want, freedom from fear and the rule of law. Implementation of those core values required political will on the part of Governments as well as cooperation among governmental and non-governmental actors such as civil society, the private sector and the press, at the regional and international levels.

80. His Government, for its part, was vigorously promoting and safeguarding the rights of Thai citizens by strengthening the rule of law, tackling human rights issues in a holistic manner involving legislation, education, relevant institutions and partnership with all those concerned. The Constitution guaranteed the human rights of all; legislation was being amended to comply with international standards; education and public-awareness campaigns were aimed at making citizens more aware of their rights; and a national plan of action on human rights education was being drafted. Drawing on its own and others' experiences, his Government was promoting good governance and democracy, civil society and the press, whose freedom of expression was guaranteed by the Constitution, and which had contributed greatly to human rights advocacy. A National Commission on Human Rights would soon be operational, and the Constitution provided for the creation of a parliamentary ombudsman, an administrative tribunal and a constitutional court, all for the protection of human rights. A comprehensive draft national human rights plan of action was being prepared which would organize and coordinate the actions of all agencies working in the area of human rights.

81. His Government had participated in regional human rights activities and had been involved in efforts for the establishment of a human rights mechanism within the Association of South-East Asian Nations (ASEAN). At the international level, his delegation had supported or co-sponsored all human rights resolutions and continued to promote the universality of human rights.

82. He commended the Office of the United Nations High Commissioner for Human Rights for its unflagging efforts and noted that his Government had hosted a number of regional human rights seminars and workshops. The international community must provide the Office of the High Commissioner with the resources necessary to carry out its increased workload. His Government remained committed to the promotion of human rights and would continue to cooperate with the international community in fulfilling its duty to ensure the promotion and protection of human rights throughout the world.

83. **Mr. Chowdhury** (Bangladesh), speaking under sub-items 114 (b) and (e), welcomed the signing ceremony for human rights instruments at the Millennium Summit and said that his country was now a party to all the core human rights instruments. Universal ratification was not, however, an end in itself; it was implementation that mattered. To that end,

the United Nations should strengthen and rationalize the treaty system and ensure that resource requirements were met. The Organization should also do more to promote rights-based approaches to development, peacekeeping and humanitarian activities.

84. At the national level, effective and independent national mechanisms offered the best safeguards against human rights violations. The United Nations should provide urgent technical assistance to developing countries for legislative review, the meeting of reporting requirements, the implementation of recommendations, awareness-raising activities and the training of government officials.

85. His delegation welcomed the continued priority accorded to the right to development by the Office of the United Nations High Commissioner for Human Rights. Establishment of national indicators through initiatives such as the common country assessment and the United Nations Development Assistance Framework (UNDAF) should not, however, be allowed to overshadow the international aspect of the full realization of that right. Nor should such initiatives be used to introduce conditionality in respect of multilateral assistance to developing countries.

86. National and international obligations for the realization of the right to development represented two sides of the same coin; neither should be prioritized at the expense of the other. His delegation was also of the firm opinion that the follow-up mechanism for operationalization of the right to development should consider the viability of elaborating an international instrument relating to the right to development; efforts for the implementation of that right currently lacked the necessary legal basis.

87. Globalization continued to pose challenges to the full enjoyment of all human rights. The uneven spread of new technology carried with it the risk of marginalization. Preventive mechanisms must be found to address the abuse of new technology (particularly via the Internet) to propagate racism, child pornography and religious intolerance. Moreover, emerging economic and trade regimes tended only to accentuate inequalities, with adverse implications for human rights. Increasing barriers to movement of labour and to migration in general had been coupled with less attention to the human rights of migrants. Globalization had also exacerbated poverty and contributed to the growth in trafficking in persons, especially women and girls.

88. The international community must cooperate to counter the culture of impunity for human rights violations and to ensure that all perpetrators of such crimes — whoever they might be — were brought to justice.

89. Lastly, his delegation appreciated the important work of human rights defenders throughout the world and welcomed the decision to appoint a special representative to address their needs.

90. **Ms. Gligorova** (The former Yugoslav Republic of Macedonia), welcoming developments in the field of international human rights law over the past 50 years, said that the protection and promotion of human rights — particularly the rights of persons belonging to national minorities — were an important indicator of the democratic development of States. Her Government was particularly keen to improve inter-ethnic relations and had recently enacted legislation that paved the way for private higher education in minority languages.

91. The efforts of regional organizations such as the Council of Europe were particularly important. Her delegation wished to highlight the importance of two European instruments: the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, both of which had the potential to promote understanding and trust among countries in the region, as well as the stability of the region as a whole.

92. Her delegation fully endorsed the view of the High Commissioner for Human Rights that the universal culture of human rights was incompatible with poverty. The eradication of poverty and the improvement in living standards should thus be a main priority of every society and of the United Nations.

93. The Millennium Assembly had presented an opportunity to take stock of the Organization's work. The maintenance of international peace and security, the prevention of armed conflicts, conflict resolution and the development of the affected States must continue to be prioritized.

94. The root causes of conflicts must be addressed, primarily through preventive measures. To that end, an International Centre for Conflict Prevention and Resolution had recently been established in Skopje, the capital. The stability pact would continue to play a

determining role in creating stable democratic societies and promoting economic prosperity in South-Eastern Europe.

95. Her Government welcomed the opening for signature of the two Optional Protocols to the Convention on the Rights of the Child and intended to sign them in the near future. It also supported the entry into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the early finalization of the draft Optional Protocol to the Convention against Torture.

96. **Mrs. Mohanta** (India), stressing the importance of the universal acceptance of international human rights instruments, said that the Office of the High Commissioner had a unique role to play in the codification and implementation of international humanitarian law. In so doing, it should strive to maintain a balance between the promotion and protection of human rights. In view of the sensitive and intricate nature of the issues involved, the Office required a broader geographical representation than was currently the case. Human rights were not the prerogative of one civilization; their universality could best be promoted and defended if the United Nations and its Secretariat absorbed and reflected all points of view.

97. It was heartening to note the significant increase in the number of States requesting assistance for strengthening the rule of law. The United Nations should pay increasing attention to the need to support national institutions. She regretted that the report of the Secretary-General on strengthening the rule of law (A/55/177) provided no indication of resources spent on such activities.

98. Her Government supported the decision to appoint a special representative on human rights defenders, given the increasing risks they faced from undemocratic Governments as well as from organizations operating outside the rule of law.

99. Her delegation also appreciated the comprehensive work of the independent expert on the right to development, as reflected in his report (A/55/306), and agreed that the realization of the right to development went far beyond the concept of improving human development. It was not a summation of a set of rights; rather, it must be understood as a right to a process.

100. As for the report of the Secretary-General on globalization and its impact on the full enjoyment of human rights (A/55/342), it was not clear whether it was based on responses received from Member States, as it should be.

101. The report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions (A/55/288) provided a broad overview of the status of implementation of the right to life, but in its section on violations of the right to life of women (para. 23), it omitted to mention Afghanistan, where those violations occurred in their most heinous form. Such selectivity sent the wrong signals to the perpetrators of such crimes, and also carried with it the risk that reports might be suspected of political bias.

102. While agreeing with the Special Rapporteur that children were being enlisted by militant non-State actors to engage in violence and be indoctrinated to use violence (para. 24), her delegation wished to point out that such indoctrination was not confined to political ideology. In some countries, children received religious indoctrination calculated to inflame religious hatred.

103. Moreover, her delegation was astonished that the Special Rapporteur had included India in her list of countries violating the right to life of persons exercising their right to freedom of expression (para. 27). Nowhere was freedom of expression more liberal — sometimes to the point of license — than in India; nowhere were street demonstrations and public action more common.

104. It was even more surprising that India had been included among countries where large-scale extrajudicial killings were being carried out by government security forces or armed groups reported to be sponsored, supported or tolerated by Governments. That was utter nonsense. India's open, democratic, plural and rules-based society did not allow such practices — which could not, moreover, be kept hidden from the media or escape the scrutiny of the judiciary. The Special Rapporteur's reportage would be more balanced and comprehensive if she interpreted her mandate more broadly and scrutinized violations in a State's territory committed by armed factions supported by another State. Moreover, her sweeping conclusion that the global situation in regard to the respect for the right to life was "bleak" (para. 55) did not reflect the rapid increase in the number of countries

opting for democratic governance and an independent judiciary.

105. The Special Rapporteur on the elimination of all forms of intolerance and of discrimination based on religion or belief had taken pains in his report (A/55/280 and Add.1 and 2) to reflect the responses of her Government to the allegations transmitted to it. In that connection, it should be noted that the sensibilities of the minorities and their personal laws had been fully taken into account by the Government of India and that measures had been taken to halt any violations or attempted violations. In a nation of India's size, representing such a diversity of faiths, languages and ethnicities, the number of violations were minimal and "mostly of a criminal nature". Nevertheless, her Government was committed to correcting aberrations.

106. The Special Rapporteur's analyses of communications and responses might have been more broad-based. Moreover, her delegation failed to understand the implication, in paragraph 81 of the report, of the comment that in India, the role of a religious minority in the educational, social and cultural fields had been "questioned with a view to widening the electoral base of nationalist political parties of a religious character".

107. The right to development and the right to an enabling social and international order through the sharing of obligations at the national and international level had not been sufficiently elaborated. Respect for the composite and interdependent corpus of human rights which made up the right to development should be independent of the level of development of a country. India, for one, had never mortgaged its democracy for development or the eradication of poverty and disease, nor made human rights contingent upon development.

The meeting rose at 12.55 p.m.